

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

ANA WEBB

Individually and on behalf of all others  
similarly situated,

*Plaintiffs*

v.

VOLVO CARS OF N.A., LLC  
*and*

VOLVO CAR CORPORATION  
*and*

VOLVO CAR UK LIMITED  
*and*

VOLVO CARS OF N.A., INC.  
*Defendants*

CIVIL ACTION NO.: 13-2394

*JURY TRIAL DEMANDED*

DECLARATION OF ALFRED J. FLUEHR FOR RESPONSE  
TO DEFENDANTS' MOTION TO DISMISS AND MOTION  
FOR PARTIAL SUMMARY JUDGMENT

I, Alfred J. Fluehr, declare:

1. I am an attorney in the law firm of Francis Alexander, LLC, and I represent Plaintiff Ana Webb in the above-captioned matter. I have personal knowledge of the facts recited below:
2. Attached as Exhibit 1 is an excerpt of the trial testimony of Thomas Broberg, Volvo's corporate designee and safety director, who testified at the state court trial that the Volvo 850 safety brochure was confusing to consumers, with the relevant testimony highlighted.
3. Attached as Exhibit 2 is the Volvo 850 glovebox safety brochure at issue in this lawsuit which was admitted into evidence at the state court trial.
4. Attached as Exhibit 3 is the Volvo 850 window sticker which was admitted into

evidence at the state trial.

5. Attached as Exhibit 4 is the Volvo 850 owner's manual which was admitted into evidence at the state trial.

6. Attached as Exhibit 5 are the title and ownership documents for the Volvo 850 which were admitted into evidence at the state court trial.

7. Attached as Exhibit 6 is the expert report of Dr. David Renfroe who tested the Volvo 850 rear doors for compliance with the FMVSS 214 quasi-static crush test and concluded that the Volvo 850 catastrophically failed.

8. Attached as Exhibit 7 is Plaintiff's Second Amended Complaint.

9. Attached as Exhibit 8 is Volvo's State Court Motion for Compulsory Nonsuit.

10. Attached as Exhibit 9 is excerpt of state court trial transcript containing Volvo's argument for nonsuit and state court's grant of nonsuit.

11. Attached as Exhibit 10 is an excerpt from the Deposition of Mark Webb in the state court case.

12. Attached as Exhibit 11 is an excerpt of the testimony of Ana Webb at trial in the state court case.

13. Attached as Exhibit 12 is a Volvo press release for SIPS in the 700 and 900 series cars which predated the Volvo 850.

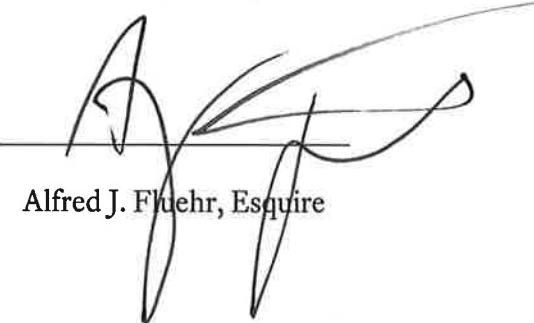
14. Attached as Exhibit 13 is the report of Volvo expert Michael Klima stating that Volvo conducted its own FMVSS testing.

15. All of the attached exhibits are true, accurate, and correct.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct.

Executed this 31st day of July 2017 at Media, Pennsylvania.



A handwritten signature in black ink, appearing to read "Alfred J. Fluehr, Esquire". The signature is fluid and cursive, with a prominent 'A' at the beginning.

Alfred J. Fluehr, Esquire

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DECLARATION OF ALFRED J. FLUEHR FOR SUR-REPLY IN OPPOSITION TO DEFENDANTS' MOTION TO LIFT STAY FOR THE PURPOSE OF REBUTTING DEFENDANTS' AD HOMINEM ATTACKS ON COUNSEL was filed with the United States District Court Eastern District of Pennsylvania via the ECF Filing System and served upon all counsel of record:

Richard B. Wickersham, Jr., Esquire  
POST & SCHELL, P.C.  
Four Penn Center  
1600 JFK BLVD. | 13<sup>th</sup> Floor  
Philadelphia, PA 19103

T: (215) 587-6612  
F: (215) 320-4875  
E: [rwickersham@postschell.com](mailto:rwickersham@postschell.com)

Peter W. Herzog, III, Esquire  
WHEELER TRIGG O'DONNELL LLP  
211 N. Broadway, Suite 2825  
St. Louis, MO 63102  
T: (314) 740-2353  
F: (314) 259-2020  
E: [PHerzog@wtotrial.com](mailto:PHerzog@wtotrial.com)

\*\*\*\*\*

*Respectfully submitted,*  
**FRANCIS ALEXANDER, LLC**

/s/ AJ Fluehr  
Alfred J. Fluehr, Esquire  
Attorney ID No.: 316503  
280 N. Providence Road | Suite 1  
Media, PA 19063  
T: (215) 341-1063  
F: (215) 500-1005  
*Law Firm / Lawyer for Plaintiff*

/d/ July 20, 2017